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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,114	10/21/2003	John P. Sinisi	4988-102 US	3744
7590 Diane Dunn McKay, Esq. Mathews, Collins, Shepherd & McKay, P.A. Suite 306 100 Thanet Circle Princeton, NJ 08540			EXAMINER HUYNH, CONG LAC T	
			ART UNIT 2178	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
-3 MONTHS		01/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/690,114	SINISI, JOHN P.	
	Examiner	Art Unit	
	Cong-Lac Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 October 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2,4-23,51-63,65-70,72-77 and 79-84 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2,4-23,51-63,65-70,72-77,79-84 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. This action is responsive to communications: response filed 10/16/06 to the application filed on 10/21/03.
2. Claims 2, 4-23, 51-63, 65-70, 72-77, 79-84 are pending in the case. Claims 2, 53, 66, 73, 80 are independent claims.
3. The objection of the specification has been withdrawn in view of the amendment of the specification.
4. The objection of figure 7 has been withdrawn in view of the amendment of the figure.
5. The objection of claims 4, 6, 10, 15, 20, 21, 22, 53, 55, 56, 63, 66, 68, 73, 75, 80, 82 has been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4-23, 51-60, 62-63, 65-70, 72-77, 79-84 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hood et al. (US Pat App Pub No. 2003/0036684, 3/20/03, filed 8/15/01) in view of King et al. (US Pat App Pub No 2002/0055861, filed 11/8/01).

Regarding independent claim 4, Hood discloses:

- inputting one or more form of data into one or more handheld devices ([0012], [0070], claim 35)
- organizing said inputted data into a record *at said one or more handheld devices* ([0012], [0016]-[0017]: the data is organized as “aching” or “squeezing” in the list *at said one handheld device*)
- synchronizing data from said record for manipulating said data into one or more classification to form synchronized data ([0070], claim 36)
- wherein said data is inputted into *said one or more handheld devices* in step (a) using a data collection template ([0016]-[0017]: the data is inputted into one handheld device)

Hood does not disclose:

- toggling between said step (a) of inputting data using a data collection template, and
- inputting data from a digital camera
- said digital camera is inputted into said record with said data from said data collection template at the time of capture of said data from said digital camera

King discloses:

- using a PDA with a digital camera, either a built-in, attachable, or separate camera, to collect accident data including pictures and information of an accident at the birth of the accident for a car insurance (abstract, [0015]-[0020])

Art Unit: 2178

- transmitting wirelessly the collected data including digital pictures and other data to a computer system at the insurer site at the birth of the accident to make an estimation of the damage to the automobile ([0016], [0017], [0020])

It would have been obvious to an ordinary skill at the time of the invention was made to incorporate King into Hood for the following reason. King discloses using a digital camera in conjunction with a PDA, a form of handheld device, to collect data of an accident for a car insurance and transmit said collected data to the insurer site. King, thus, shows inputting data from a PDA and inputting data from a digital camera where it is suggested that data from the PDA and the digital camera be alternately inputted to the wireless communication system and transmitted to the insurance site for recording and for estimating the damage to the automobile since data can be recorded at the same time. The combination of King into Hood would enhance the collecting data system using not only data in text report but also collecting illustrated data via digital pictures taken as live evidence to effectively provide to an organization such as an insurance company that needs such type of data.

Regarding claim 2, which is dependent on claim 4, Hood discloses that said one or more forms of data are selected from the group consisting text, digital photographs, digital video, barcodes, digital sketches; digital signatures, audio, GPS, GIS, document scan, print scan, CAD/CAM scan, and interactive data retrieval from another system ([0012]: typing manually shows that data is text; [0013]: data gathered from a call shows that data is audio).

Regarding claim 6, which is dependent on claim 4, Hood discloses:

- optimizing said synchronized data based on a predetermined criteria ([0017], [0040]: the predetermined “single select” or “multiple select” is used for optimizing synchronized data)
- generating an optimized data collection template ([0017])
- repeating the inputting, organizing, and synchronizing steps wherein said data is inputted into said handheld device in step inputting using said optimized data collection template ([0017], [0063])

Regarding claim 7, which is dependent on claim 6, Hood discloses that said predetermined criteria is a frequency of use of data inputted into said handheld device ([0040]: “single select” and “multiple select” shows the frequency of data inputted into said handheld device).

Regarding claim 8, which is dependent on claim 6, Hood discloses that said predetermined criteria is a desired information request ([0035]: gathering only information needed for proper diagnosis and treatment as guided in the program shows a criteria, which is a desired information request when gathering data).

Regarding claim 9, which is dependent on claim 6, Hood discloses that said predetermined criteria is a statistical program ([0048]).

Art Unit: 2178

Regarding claim 10, which is dependent on claim 6, Hood discloses that optimizing said synchronized data comprises adding answers inputted in said data collection template to said optimized data collection template ([0055], [0063], [0066]).

Regarding claims 11 and 12, which are dependent on claims 4 and 6 respectively, Hood discloses a user interface comprising one or more prompts for gathering said data using said handheld device, said prompts being visual, sound, code, or vibration ([0009], [0042]: the prompt is visual).

Regarding claims 13 and 14, which are dependent on claims 4 and 13 respectively, Hood discloses that the data collection template is an electronic form comprising one or more menus or submenus, and the optimized data collection template comprises one or more submenus which are a re-order of entries of said one or more menus or submenus of said data collection template ([0011], [0017], [0047]).

Regarding claim 15, which is dependent on claim 4, Hood discloses forwarding said record to a central processing system and said synchronizing data is performed at said central processing system ([0014]-[0015]: data gathered from a handheld device is transmitted to a central hospital for processing).

Regarding claim 16, which is dependent on claim 4, Hood discloses storing said synchronized data ([0014], [0049], [0054]).

Regarding claim 17, which is dependent on claim 4, Hood discloses generating a report from said synchronized data ([0014]).

Regarding claims 18 and 19, which are dependent on claim 17, Hood discloses printing said report wherein said report is a standard or custom report ([0014]).

Regarding claim 20, which is dependent on claim 4, Hood discloses forwarding a previously generated record to said handheld device ([0038]).

Regarding claim 21, which is dependent on claim 4, Hood discloses:

- manipulating said data in said record into a synchronization table [0054]: storing patient information into a database for data mining inherently shows that said data is moved to the synchronized tables of the database)
- filtering said data in said synchronization table to one or more relationship tables ([0054])

Regarding claim 22, which is dependent on claim 21, Hood discloses combining said one or more relationship tables based on a predetermined criteria for generating an optimized data collection template and repeating step inputting through step synchronizing wherein subsequent data is inputted into said handheld device using said optimized data collection template ([0017, [0062], [0063]).

Regarding claim 23, which is dependent on claim 4, Hood discloses that a plurality of handheld devices is used for inputting said data ([0057]).

Claims 51-60, 62-63 recite the same data collection process as disclosed in claims 2, 4-23 but are applied on a fire barrier data instead of a general data. The process in claims 51-60, 62-63, thus, is rejected under the same rationale.

Claims 65-70 recite the same data collection process as disclosed in claims 2, 4-23 but is applied on a quality assurance data instead of a general data. The process in claims 65-70, thus, is rejected under the same rationale.

Claims 72-77 recite the same data collection process as disclosed in claims 2, 4-23 but is applied on a boat survey data instead of a general data. The process in claims 72-77, thus, is rejected under the same rationale.

Claims 79-84 recite the same data collection process as disclosed in claims 2, 4-23 but is applied on a police department data instead of a general data. The process in claims 79-84, thus, is rejected under the same rationale.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2178

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 52 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Hood in view of King as applied in claim 50, and further in view of Mault et al. (US Pat App Pub No 2002/0027164, 3/7/02, priority 9/7/00).

Regarding claim 52, Hood and King do not disclose that said data is in the form of a barcode attached to said fire barrier.

Mault discloses a handheld device including a barcode reader for inputting information ([0040]) where the actual data is entered with its barcode.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Mault to include inputting the fire barrier data with barcode for easily identifying which fire barrier used and combined into Hood for providing a proper judgment to a customer.

10. Claims 59 and 61 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hood et al. (US Pat App Pub No. 2003/0036684, 3/20/03, filed 8/15/01).

Regarding claim 59 and 61, Hood does not disclose that a repair order is generated from the synchronized data, and re-inspecting said fire barrier after a repair of said fire barrier is performed from said repair order.

However, Hood does teach using the inputted data to generate a document for a particular purpose related to the inputted data ([0015]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have applied Hood for generating a repair order related to the specific fire barrier data where collecting the fire barrier is analogous to the data collecting process as in Hood. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have included to Hood the re-inspecting step since it is understandable that checking needs to be performed after repairing something to make sure it works.

Response to Arguments

11. Applicant's arguments filed 10/16/06 have been considered but are not persuasive.

Applicants argue that King does not teach or suggest a method for mobile data collection including the step of toggling between the step of inputting one or more forms of data into one or more handheld devices, and the step of organizing the inputted data into a record at the one or more handheld devices wherein the data from the digital camera is inputted into the record with the data from the data collection template at the time of capture of the data from the digital camera. Applicants also provide the support of these features in the specification of the invention wherein insertion of a digital photograph into a record at the handheld device at the time of capture of the digital photograph for creating a record on the spot (page 2, lines 21-23).

The Examiner respectfully disagrees.

King discloses using a *digital camera in conjunction with a PDA*, which is a handheld device, to *collect data of an accident including pictures and information* of an accident at *the birth of the accident* for a car insurance and transmit said collected data to the insurer site to make an estimation of the damage to the automobile (abstract, [0015]-[0020]). The data collection in King, thus, implies inputting data from a digital camera and inputting data from the handheld device since it is how the data of an accident is collected. This further implies toggling between inputting data from the handheld device and the camera when collecting data at the accident. It is also known that most of the car insurances have forms, which are equivalent to templates, to fill out accident data when collecting information of the accident. Since both pictures and information of the accident are collected *at the birth of the accident*, the information is understood being collected at the time of capturing the digital photographs to create a record *on the spot* as mentioned in the specification of the application.

Applicants argue that Mault does not teach or suggest a method for mobile data collection including the step of toggling between inputting one or more forms of data into one or more handheld devices and inputting data from a digital camera.

Examiner agrees that Mault does not disclose these argued features.

However, Mault reference is used to show another claimed limitation, not the argued features. Specifically, Mault is used to show the limitation of claim 52 where the data inputted is in the form of a barcode attached to said fire barrier. Since in Mault a

handheld device includes a barcode reader for inputting information where the actual data is entered with its barcode ([0040]), Mault shows that data inputted is in the form of a barcode attached to a device.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gangopadhyay (US 6,986,145, 01-2006).

Sinisi et al. (US 2004/0128613, 07-2004).

Deisher et al. (US 2004/0128140, 07-2004).

Deisher et al. (US 2003/0236099, 12-2003).

Anwar (US 2001/0042078, 11-2001).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh
Primary Examiner
Art Unit 2178
12/28/06

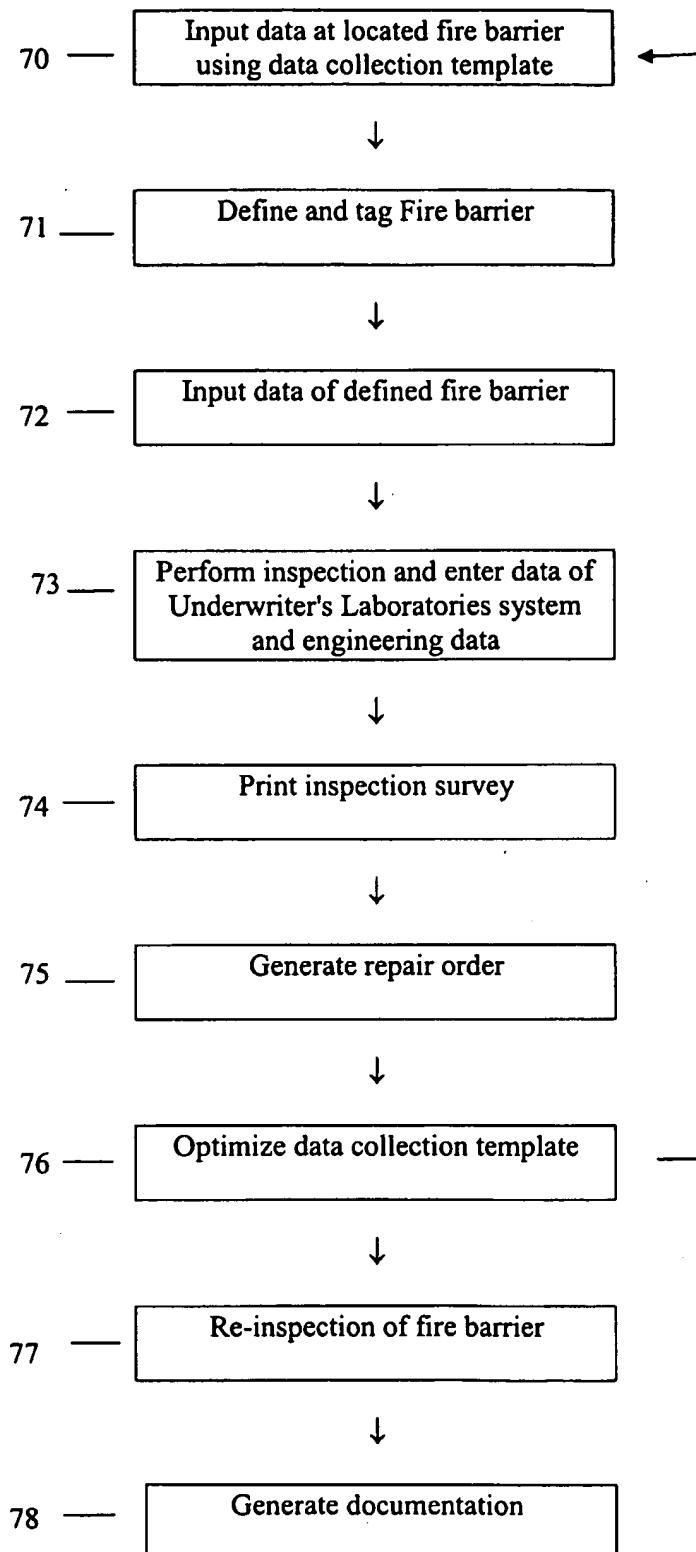


FIG. 7